

Message Text

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ACTION IO-14

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E.O. 11652: N/A
TAGS: ECOSOC, ILO, ELAB, RQ
SUBJECT: 1978 SUMMER ECOSOC - ITEM 9: ALLEGATIONS RE IN-
FRINGEMENT OF TRADE UNION RIGHTS (PUERTO RICO)

1. THIS ITEM WAS TAKEN CARE OF SATISFACTORILY IN PLENARY
JULY 21, ALTHOUGH DEBATE ON IT BECAME LIVELY AND DICEY.
2. ECOSOC PRESIDENT MILLS (JAMAICA) OPENED WITH A BRIEF
STATEMENT TO THE EFFECT THAT THE COUNCIL HAD BEFORE IT FOR
CONSIDERATION UNDER THIS ITEM A NOTE BY THE SECRETARY-
GENERAL (E/1978/57), A LETTER FROM THE ACTING PERM REP OF
THE USA TO THE UN (E/1978/108); AND A STATEMENT SUBMITTED
BY THE WORLD FEDERATION OF TRADE UNIONS (E/1978/NGO/11).
HE THEN BY PREARRANGEMENT GAVE THE FLOOR TO THE US REP, WHO
STATED:

QUOTE IN HIS LETTER OF MAY 16, 1978 (CONTAINED IN DOCU-
MENT E/1978/108), THE ACTING UNITED STATES PERMANENT REPRE-
SENTATIVE TO THE UNITED NATIONS INFORMED THE SECRETARY
GENERAL THAT THE USG HAD NO OBJECTION TO THE ECOSOC CON-
SIDERING THIS MATTER IN ACCORDANCE WITH PERTINENT PROCE-
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DURES.

I WISH TO STATE NOW THAT THE USG HAS NO OBJECTION TO THE
ADOPTION OF A DECISION BY THE COUNCIL, IF IT DEEMS IT SUIT-
ABLE, TO TRANSMIT THIS COMPLAINT FOR APPROPRIATE EXAMINA-
TION BY THE FACFINDING AND CONCILIATION COMMISSION OF
THE INTERNATIONAL LABOR ORGANIZATION IN ACCORDANCE WITH THE

PROCEDURES ESTABLISHED IN ECOSOC RESOLUTION 277 (X) OF 1950.

IN THIS CONNECTION I WISH TO INFORM THE COUNCIL THAT PUERTO RICAN OFFICIALS HAVE INFORMED US THAT CERTAIN INDIVIDUALS HAVE BEEN ARRESTED IN CONNECTION WITH THIS CASE AND ARE ON TRIAL. IT WOULD THUS BE UNSUITABLE FOR ME TO DISCUSS THE CASE FURTHER. END QUOTE

3. PRESIDENT MILLS THEN PROPOSED (ALSO BY PREARRANGEMENT WITH US) THAT THE COUNCIL ADOPT THE FOLLOWING DECISION:

QUOTE THE COUNCIL NOTING THAT THE CONSENT OF THE GOVERNMENT OF THE UNITED STATES OF AMERICA HAS BEEN OBTAINED AS REQUIRED BY PARAGRAPH 1(C) (I) OF COUNCIL RESOLUTION 277(X) OF 17 FEBRUARY 1950, THE COUNCIL DECIDES, IN CONFORMITY WITH PARAGRAPH 1(C)(II) OF THE SAID RESOLUTION, TO TRANSMIT THE ALLEGATIONS REGARDING INFRINGEMENTS OF TRADE UNION RIGHTS IN THE UNITED STATES OF AMERICA, RECEIVED FROM THE WORLD FEDERATION OF TRADE UNIONS (E/1978/57), TO THE FACT-FINDING AND CONCILIATION COMMISSION ON FREEDOM OF ASSOCIATION OF THE INTERNATIONAL LABOUR ORGANIZATION, THROUGH THE GOVERNING BODY OF THAT ORGANIZATION. END QUOTE

4. AT THIS JUNCTURE IRAQ, SUPPORTED BY CUBA, USSR AND SYRIA PROPOSED ADDING A SENTENCE ASKING THE COMMISSION TO REPORT BACK PRIOR TO NEXT SUMMER'S ECOSOC. DURING A LIMITED OFFICIAL USE

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CONSIDERABLE BACK-AND-FORTH OVER THIS, THE US MAINTAINED THAT THE ECOSOC HAD FULFILLED ITS ROLE WITH THE CONSENT OF THE USG AND SHOULD NOT MAINTAIN THE ITEM ON ITS AGENDA, BUT THAT WE WOULD GO ALONG WITH WHATEVER PROCEDURE WAS CALLED FOR IN RESOLUTION 277. A BIT OF SCRATCHING AROUND BY THE PRESIDENT, SECRETARIAT AND THE ILO OBSERVER PRODUCED THE INFORMATION THAT PROCEDURES PURSUANT TO RESOLUTION 277 CALLED FOR A REPORT BACK TO ECOSOC. IRAQ AND SYRIA PRESSED FOR A SPECIFIC TIME LIMIT. THE US OPPOSED THIS AS AN UNWARRANTED CONSTRAINT ON THE FACT-FINDING COMMISSION, WHICH SHOULD BE GOVERNED ONLY BY ESTABLISHED PROCEDURES. FRG AND UK MADE HELPFUL INTERVENTIONS SUPPORTING US.

5. THE FINAL UPSHOT WAS THE ADDITION OF THE FOLLOWING SENTENCE TO THE ABOVE-QUOTED DRAFT DECISION:

QUOTE IN ACCORDANCE WITH THE PROCEDURE OUTLINED IN COUNCIL RESOLUTION 277(X), THE COMMISSION'S FINDINGS SHALL BE TRANSMITTED TO THE COUNCIL AS SOON AS POSSIBLE, IN KEEPING WITH THE COMMISSION'S ESTABLISHED PRACTICE. END QUOTE

THE DECISION WAS THEN ADOPTED BY CONSENSUS.

6. DOCUMENT E/1978/NGO/11 (JULY 18, 1978), REFERRED TO IN THE PRESIDENT'S INTRODUCTION, CONTAINED AN OUTRAGEOUS SUPPLEMENTAL STATEMENT FROM THE WFTU ALLEGING DIFFICULTIES THE FACT-FINDING COMMISSION WOULD FACE SINCE THE US HAD NEVER RATIFIED AND HENCE NEVER ACCEPTED OBLIGATIONS UNDER CERTAIN ILO CONVENTIONS; STATING FLATLY THAT JUAN RAFAEL CABALLERO CAMPOS WAS TORTURED AND MURDERED BY THE "AMERICAN POLICE"; AND REQUESTED ECOSOC TO (1) ENSURE THAT THE PLAINTIFFS (WFTU) ARE COMPLETELY FREE TO MAKE ADDITIONAL INFOR-

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ACTION IO-14

INFO OCT-01 ISO-00 AF-10 ARA-10 EA-10 EUR-12 NEA-10

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MATION AVAILABLE ON THE INFRINGEMENT OF TRADE UNION RIGHTS

IN PUERTO RICO; (2) INVITE THE ILO TO MAKE AN ANNUAL RE-

PORT TO ECOSOC ON THE TRADE UNION SITUATION IN PUERTO RICO

"IN ACCORDANCE WITH PARAGRAPH 5(B) OF RESOLUTION 277(X)";

AND (3) TRANSMIT THE ALLEGATION TO THE DECOLONIZATION COM-

MITTEE TO ENABLE IT TO CONSIDER DISPATCHING A UN MISSION TO

PUERTO RICO TO PREPARE IT FOR SELF-

DETERMINATION. THE WFTU OBSERVER HAD APPARENTLY DEPARTED,

AND NONE OF OUR DETRACTORS SAW FIT TO REFER TO THIS WFTU

STATEMENT IF INDEED THEY HAD FOCUSED ON THIS LAST-MINUTE

DOCUMENT.

7. COMMENT: CUBAN AND SOVIET MOTIVATIONS FOR GETTING

INTO THIS ACT ARE NOT HARD TO GUESS. THE BEST WE CAN GUESS

ON THE IRAQIS AND SYRIANS, HOWEVER, IS THAT THEY SAW THE

CHANCE OF GETTING BACK AT US AFTER WE HAD BEEN INSTRUMEN-

TAL IN THE ARAB RETREAT ON THE ITEM ON "ASSISTANCE TO THE

PALESTINIAN PEOPLE" (GENEVA 11383). WE HEAR, HOWEVER,
THEY HAD LITTLE SUPPORT FROM THE OTHER ARABS ON GETTING
INTO THIS COMPLAINT AGAINST THE US. IN ANY EVENT, WE CAME
OUT ON TOP AGAIN. VANDEN HEUVEL

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